

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

|                                 |   |                          |
|---------------------------------|---|--------------------------|
| In the matter of the proposed   | ) | NOTICE OF PUBLIC HEARING |
| adoption of NEW RULE I          | ) | ON PROPOSED ADOPTION     |
| Assignment of Persons Providing | ) |                          |
| Instruction to Braille Students | ) |                          |

TO: All Concerned Persons

1. On December 21, 2006, at 9:00 a.m., a public hearing will be held in the conference room of the Office of the Commissioner of Higher Education at 46 North Last Chance Gulch, Helena, Montana, to consider the adoption of the above-stated rule.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on December 7, 2006 to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0847, e-mail: smeloy@bpe.montana.edu.

3. The proposed new rule provides as follows:

NEW RULE I ASSIGNMENT OF PERSONS PROVIDING INSTRUCTION TO BRAILLE STUDENTS (1) No certified or classified employee of a school district, cooperative, or any contracted service provider shall be assigned to provide instruction of Braille to a student or produce Braille materials who has not demonstrated competency in "contracted" (grade two) standard literary Braille code by:

(a) successful completion of the National Literary Braille Competency Test;  
or

(b) successful completion of the Braille competency test developed by Portland State University (Braille Literacy Usage Exam); or

(c) successful completion of Library of Congress transcriber's certificate; or

(d) successful completion of a program, for teaching visually impaired students, from an accredited college or university.

(2) The employing agency (school district and/or cooperative) is responsible for monitoring appropriate assignment of personnel under (1).

(3) Any person under (1) shall have two years, from the date that the individual has been initially assigned to provide instruction in Braille or to produce Braille materials, to successfully pass the testing requirements.

(4) A person who has met the requirements of (1) shall maintain their facility with "contracted" (grade two) standard literary Braille code through continuing education opportunities.

(5) For the purposes of (4), an approved provider of continuing education

may include any entity approved by the Montana Office of Public Instruction and/or the Montana Board of Education.

(6) Individuals who seek to remain eligible to work with visually impaired students are responsible for documenting completion of continuing education. Such individuals will provide a copy of their documentation to their employing school district.

(7) If a paraprofessional, who has not successfully met the requirements found in (1), is assigned to work with a student who has a visual impairment, the paraprofessional will be supervised by the district's special education teacher in collaboration with a teacher of the visually impaired who holds a credential from an accredited university. In addition, the assigned paraprofessional and the school district shall meet the requirements contained in (1) within two years of the date a student with a visual impairment has been identified as in need of Braille instruction and/or materials.

AUTH: 20-2-114, MCA

IMP: 20-1-121, 20-7-475, MCA

4. Statement of Reasonable Necessity: The proposed rule for instructors of Braille was developed in accordance with the requirements of House Bill 438 as approved by the 2005 Montana Legislature. House Bill 438 reads, in part, "Section 6. Personnel training. The board of public education shall establish standards to ensure that individuals who provide Braille Instruction are appropriately trained and supervised."

5. Pursuant to the agreement between the Board of Public Education and the Legislature, the board does not anticipate any implementation costs, but shall request and report in its adoption notice any cost estimates received from districts during the hearing.

6. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted by mail to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, or by e-mail to [smeloy@bpe.montana.edu](mailto:smeloy@bpe.montana.edu) and must be received no later than 5:00 p.m. on December 21, 2006.

7. Steve Meloy has been designated to preside over and conduct the hearing.

8. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding [subject matter] or other school related rulemaking actions. Such written request may be mailed or delivered to Steve Meloy, P.O. Box 200601, Helena, Montana 59620-0601, faxed to the office at (406) 444-0847, by e-mail to [smeloy@bpe.montana.edu](mailto:smeloy@bpe.montana.edu), or may be

made by completing a request form at any rules hearing held by the Board of Public Education.

9. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Diane Fladmo  
Diane Fladmo, Chairperson  
Board of Public Education

/s/ Steve Meloy  
Steve Meloy, Rule Reviewer  
Board of Public Education

Certified to the Secretary of State November 13, 2006.